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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

v.

INTUITIVE SURGICAL, INC.,
Defendant.

Case No.: 3:21-cv-03496-AMO-LB

**JOINT RESPONSE TO THE COURT'S
ORDER REGARDING SEALING OF
TESTIMONY AT TRIAL**

Judge: The Honorable Araceli Martínez-Olguín

1 Plaintiff Surgical Instrument Service Company, Inc. (“SIS”), and Defendant Intuitive
 2 Surgical, Inc. (“Intuitive”) (collectively, the “Parties”) respectfully submit this response to the Court’s
 3 instruction that the Parties submit by December 6, 2024, any administrative motion to seal witness
 4 testimony at trial. *See* Dkt. 316.

5 Counsel for SIS and Intuitive have conferred and agree that neither Party presently
 6 intends to seek to seal at trial testimony from any SIS or Intuitive witness.

7 The Parties note that certain non-parties have designated as “Confidential” or “Highly
 8 Confidential-AEO” under the Protective Order, Dkt. 78 (as modified by Dkt. 107), documents that are
 9 listed on the Parties’ Trial Exhibit List or testimony that may be played by deposition at trial
 10 (collectively, “Non-Party Confidential Material”). Counsel for SIS and Intuitive have conferred and
 11 agreed on a process for contacting non-parties regarding the need for sealing of any such Non-Party
 12 Confidential Material at trial. The Parties will file, pursuant to Civil Local Rule 79-5(f), an
 13 Administrative Motion to Consider Whether Another Party’s Material Should Be Sealed if any non-
 14 party indicates that it wishes to seal any Non-Party Confidential Material at trial.

15
 16 Dated: December 6, 2024

By: /s/ Richard T. McCaulley
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25 *Attorneys for Plaintiff Surgical Instrument*
Service Company, Inc.

1 Dated: December 6, 2024

By: /s/ Kenneth A. Gallo

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E-Filing Attestation

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above have concurred in this filing.

/s/ Kenneth A. Gallo